

a notifying step, of being able to notify whether or not the transmission of the sent E-mail data succeeded based on a judged result in the judgment step, without reading the message disposition notification by a user of the image communicating apparatus.

70. - 73. (canceled).

REMARKS

This application has been reviewed in light of the Office Action dated January 31, 2008. Claims 44-49, 62, 63, 68, and 69 are pending in this application, of which Claims 44, 49, 62, 63, 68, and 69 are in independent form, and have been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

Request for Personal Interview

After entry of the Request for Continued Examination (RCE) Transmittal and of this Amendment, Applicants request a personal interview with the Examiner. One of Applicants' attorneys will contact the Examiner shortly to arrange a mutually convenient time for such an interview.

Response to the Rejection

Claims 44, 46-49, 62, 63, 68, and 69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,823,367 (*Wakasugi*) in view of RFC 2298; Claims 44, 49, 62, 63, 68, and 69 were rejected as being unpatentable over U.S. Patent No. 6,687,742 (*Iwazaki*) in view of *Wakasugi*; and Claims 45-48 were rejected as being unpatentable over *Iwazaki*, *Wakasugi*, and further in view of U.S. Patent No. 6,327,046 (*Miyamoto*).

Applicants submit that independent Claims 44, 49, 62, 63, 68, and 69, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

Claim 44 is directed to an image communicating apparatus which is connected to a network capable of performing E-mail communication. The image communication apparatus comprises a transmitting unit, a receiving unit, a requesting unit, a communications managing unit, a determining unit, an analyzing unit, a judgement unit, and a notifying unit. The transmitting unit is adapted to send E-mail data accompanied by an image file and the receiving unit is adapted to receive E-mail data. The requesting unit is adapted to add, selectively, information for requesting a message disposition notification to the E-mail data to be sent to a receiver by the transmitting unit. The communication managing unit is adapted to manage transmission management information of the sent E-mail data. The determining unit is adapted to determine whether E-mail data received by the receiving unit is the message disposition notification to the E-mail data that the transmitting unit has sent. The analyzing unit is adapted to analyze how the sent E-mail data to which information for requesting the message disposition notification was added is processed by the receiver in a case where the determining unit determined that the E-mail received by the receiving unit is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received by the receiving unit and capable of representing plural kinds of processed results as processed results for the sent E-mail by the receiver. The judgment unit is adapted to judge whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added succeeded, based on an analysis result by the analyzing unit. The notifying unit is adapted to notify a user of the image communicating

apparatus based on the transmission management information managed by the communication managing unit. The communication managing unit updates the transmission management information by information showing whether or not the transmission of the sent E-mail data succeeded, on the basis of a judged result provided by the judgment unit. The notifying unit notifies the user of the image communicating apparatus whether or not the transmission of the sent E-mail data succeeded, on the basis of the updated transmission management information, so that the user of the image communicating apparatus can confirm whether or not the transmission of the sent E-mail data succeeded, without reading the message disposition notification.

Among other features of Claim 44 are the determining unit, the analyzing unit, and the judgement unit. By virtue of the determining unit, the apparatus can determine whether or not a received E-mail is a message disposition notification (MDN). By virtue of the analyzing unit, an analysis can be performed about how the sent E-mail data is processed by the receiver in a case where the determining unit determined that the E-mail received by the receiving unit is the message disposition notification. The analysis is performed by analyzing the message disposition notification included in the E-mail data received by the receiving unit and capable of representing plural kinds of processed results as processed results for the sent E-mail by the receiver. Moreover, by virtue of the judgment unit of Claim 44, judgment of whether the communication of the sent E-mail succeeds can be made on the basis of an analysis result by the analyzing unit (i.e., that the sent E-mail is received by the receiver and that the received E-mail is normally processed).

Wakasugi, as understood by Applicants, relates to a network facsimile apparatus that transmits electronic mail through a network by a mail system thereon. Apparently, in *Wakasugi* (col. 7, lines 11-20; S104 in Fig. 3), a network facsimile apparatus judges whether or not a received E-mail is a transmission confirmation mail (i.e., MDN) as shown in Fig. 5. The Office Action argues that the reception process of the delivery confirmation mail at step 105 in Fig. 3 and described in col. 9, lines 45-60 teaches or suggests the analyzing unit of Claim 44. In particular the Office Action alleges that the “Disposition manual-action/MDN-send-manually; displayed” included in the MDN in *Wakasugi* is checked or analyzed. However, even if *Wakasugi* is deemed to teach or suggest that a received E-mail is checked as being the MDN, it does not therefore follow that *Wakasugi* thereby teaches or suggests the analyzing unit of Claim 44. While the analyzing unit of Claim 44 analyzes the MDN if it is determined by the determining unit of Claim 44 that the received E-mail is the MDN, in *Wakasugi*, step S105 is simply executed whenever a received E-mail is determined to be an MDN (“YES”, in S104 of Fig. 3), and no further analysis is disclosed as taking place. More specifically, in *Wakasugi* a process to change a result field of a communication management table to “OK” is executed in S401 of Fig. 10. That is, if it is determined that the received e-mail is the MDN, the communication result of the sent E-mail requesting the MDN is set to “OK”. In *Wakasugi* the indication that the transmission of the sent E-mail is “OK” is merely a response to the reception of the MDN, and has nothing to do with the processed result of this E-mail on the reception side. In *Wakasugi*, therefore, it is only necessary to indicate that the transmission of the E-mail succeeds as long as the sent E-mail was received by the receiver.

The deficiencies of *Wakasugi* as teaching or suggesting the analyzing unit of Claim 44 are not remedied by *RFC 2298*. *RFC 2298* was cited in the Office Action as allegedly teaching that the MDN can represent plural kinds of processed results as processed results for the sent E-mail by the receiver. In particular, it is suggested in the Office Action that by virtue of *RFC 2298*, the “user codes” of Fig. 23 in *Wakasugi* could correspond to an MDN in which “Disposition manual-action/MDN-send-manually; dispatched” or “Disposition manual-action/MDN-send-manually; failed” are described. However, even assuming, for purposes of argument, that *RFC 2298* teaches or suggests all that it is cited for, nothing in *Wakasugi* would be capable of utilizing MDNs that can represent plural kinds of processed results in the same way as the apparatus of Claim 44 because by virtue of the process shown in Fig. 4 of *Wakasugi*, in any case where the received E-mail is the MDN, the result of the transmission mail is always “OK”, even if the processed result described in the MDN is “failed”. As a result, combining the teachings of *Wakasugi* and *RFC 2298* as suggested in the Office Action would not yield the features of Claim 44 discussed above. In contradistinction, by virtue of the determining, analyzing, and judgment units of Claim 44, it is possible to display the transmission result in consideration of the processed result described in the MDN.

Nothing has been found in *Wakasugi* or *RFC 2298*, whether considered either separately or in any permissible combination (if any), that would teach or suggest a determining unit, adapted to determine whether E-mail data received by the receiving unit is the message disposition notification to the E-mail data that the transmitting unit has sent, much less an analyzing unit, adapted to analyze how the sent E-mail data to which

information for requesting the message disposition notification was added is processed by the receiver in a case where the determining unit determined that the E-mail received by the receiving unit is the message disposition notification, by analyzing the message disposition notification included in the E-mail data received by the receiving unit and capable of representing plural kinds of processed results as processed results for the sent E-mail by the receiver. Moreover, since the judgment unit of Claim 44 is adapted to judge based on an analysis result by the analyzing unit, it is also believed that *Wakasugi* or *RFC* 2298, whether considered either separately or in any permissible combination (if any), do not that teach or suggest the judgement unit.

Accordingly, Applicants submit that Claim 44 is patentable over *Wakasugi* and *RFC* 2298, whether considered either separately or in any permissible combination (if any), and respectfully request withdrawal of the rejection of that claim.

Independent Claims 49, 62, 63, 68, and 69 each recite features which are similar to those discussed above with respect to Claim 44. Therefore, those claims also are believed to be patentable for at least the reasons discussed above.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office

by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P Diana/
Leonard P. Diana
Attorney for Applicants
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCIS_WS 2128426v1